

HOUSE No. 764

By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty
relative to contractor and subcontractor liens. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO NOTICE OF CONTRACT; DISSOLUTION OF LIEN.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 Chapter 254 is hereby amended by striking out section 8 and
2 inserting in place thereof the following section:—
3 Section 8. Liens under sections two and four shall be dissolved
4 unless the contractor, subcontractor, or some person claiming by,
5 through or under them, not later than the earliest of: (i) ninety
6 days after the filing or recording of the notice of substantial com-
7 pletion under section two A; (ii) one hundred and twenty days
8 after the filing or recording of the notice of termination under
9 section two B; (iii) one hundred and twenty days after the last day
10 a person, entitled to enforce a lien under section two or anyone
11 claiming by, through or under him, performed or furnished labor
12 or material or both labor and materials or furnished rental equip-
13 ment, appliances or tools; or (iv), with respect to any building,
14 structure or other improvement to real property consisting only of
15 at least one but not more than four dwelling units, two years after
16 the filing or recording of the Notice of Contract, shall file or
17 record in the registry of deeds in the county or district where the
18 land lies a statement, giving a just and true account of the amount
19 due or to become due him, with all just credits, a brief description
20 of the property, and the names of the owners set forth in the notice
21 of contract. A lien under section one shall be dissolved unless a
22 like statement, giving the names of the owner of record at the time
23 the work was performed or at the time of filing the statement, is

24 filed or recorded in the appropriate registry of deeds within the
25 ninety days provided in said section. Nothing in this section shall
26 prohibit the filing or recording of a statement under this section
27 prior to the filing or recording of the notices under section two A
28 or two B.